

**AN ORDINANCE    2005 - 0 1 - 1 2 - 6 1**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY  
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED  
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY  
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE  
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 2.4 acres out of NCB 17877 from "C-2" Commercial District to "C-2NA" (CD-Mini-Storage Facility) Commercial Non-Alcoholic Sales District with a Conditional Use for a Mini-Storage Facility.

**SECTION 2.** A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** The City Council finds as follows:

- A. The conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.

**SECTION 4.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 5.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 6.** This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 22, 2006.

**PASSED AND APPROVED** this 12<sup>th</sup> day of January, 2006.

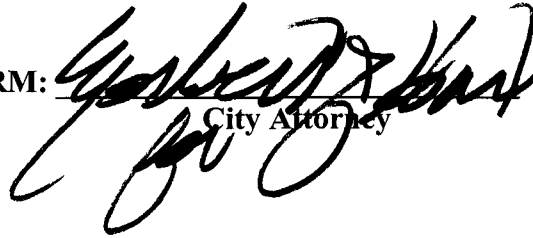


M A Y O R

ATTEST:   
City Clerk

PHIL HARDBERGER

APPROVED AS TO FORM:



City Attorney

FIELD NOTES TO DESCRIBE

A 2.40 Acre Tract of land being situated within the City Limits of San Antonio, Texas out of Block 37 of the Cable or Leon Ranch Subdivision according to the Plat thereof recorded in Volume 105, Page 162 Deed and Plat Records of Bexar County, Texas also out of a 3.676 Acre Tract surveyed December 9, 2004 out of a 7.566 Acre Tract conveyed from Sun NLF Limited Partnership to Marbach Associates by Deed dated March 31, 1994 and recorded in Volume 6026, Page 1789 Real Property Records of Bexar County, Texas and being more particularly described as follows:

BEGINNING: At a point in the East line of a 0.943 Acre Tract (Volume 105, Page 162, Real Property Records) and the West line of said 3.676 Acre Tract for the Northwest corner of this tract from which a 1/2" iron pin found in the South line of Marbach Road for Northwest corner of said 3.676 Acre Tract bears N 00° 08' 29" W 260.16 feet;

THENCE: S 89° 53' 41" E 531.98 feet across said 3.676 Acre Tract, at 311.98 feet pass a 5/8" iron pin set for the Southwest corner of Lot 8, Block 37 (Volume 774, Page 274, Real Property Records) and an interior corner of said 3.676 Acre Tract, continuing to a 5/8" iron pin set for the Southeast corner of Lot 8 and the lower Northeast corner of said 3.676 Acre Tract and the Northeast corner of this tract;

THENCE: S 00° 09' 21" W 186.34 feet with the West line of Lot 3, Block 37 (Volume 9515, Page 67 Deed and Plat Records) to a 5/8" iron pin set for the Southeast corner of said 3.676 Acre Tract and of this tract;

THENCE: With the North line of a 20' Drainage Easement being a part of the Lackland City Subdivision, Unit 110 (Volume 6500, Page 94 Deed and Plat Records) and the South line of said 3.676 Acre Tract as follows:

S 89° 48' 19" W 178.96 feet to a 5/8" iron pin set for a point of curvature

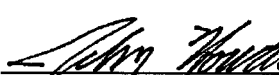
With a curve to the left, having a radius of 2155.00 feet, an arc of 354.52 feet, a tangent of 177.66 feet, a central angle of 09° 25' 32", and a chord bearing S 83° 39' 49" W 354.12 feet to a 5/8" iron pin set for the Southwest corner of this tract;

THENCE: N 00° 08' 29" W 227.01 feet with the West line of said 3.676 Acre Tract and in part with the East line of said 0.943 Acre Tract to the POINT OF BEGINNING.

Bearings shown herein are geodetic from GPS observations.

I hereby certify that the foregoing field note description was prepared from an actual survey performed on the ground, under my supervision and that to the best of my belief and knowledge they are true and correct.

This the 30th day of November, 2005.

  
John Howard, R.P.S. No.  
402 State Highway 173 S  
Hondo, Texas 78861  
(830) 426-4776

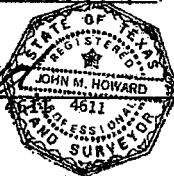
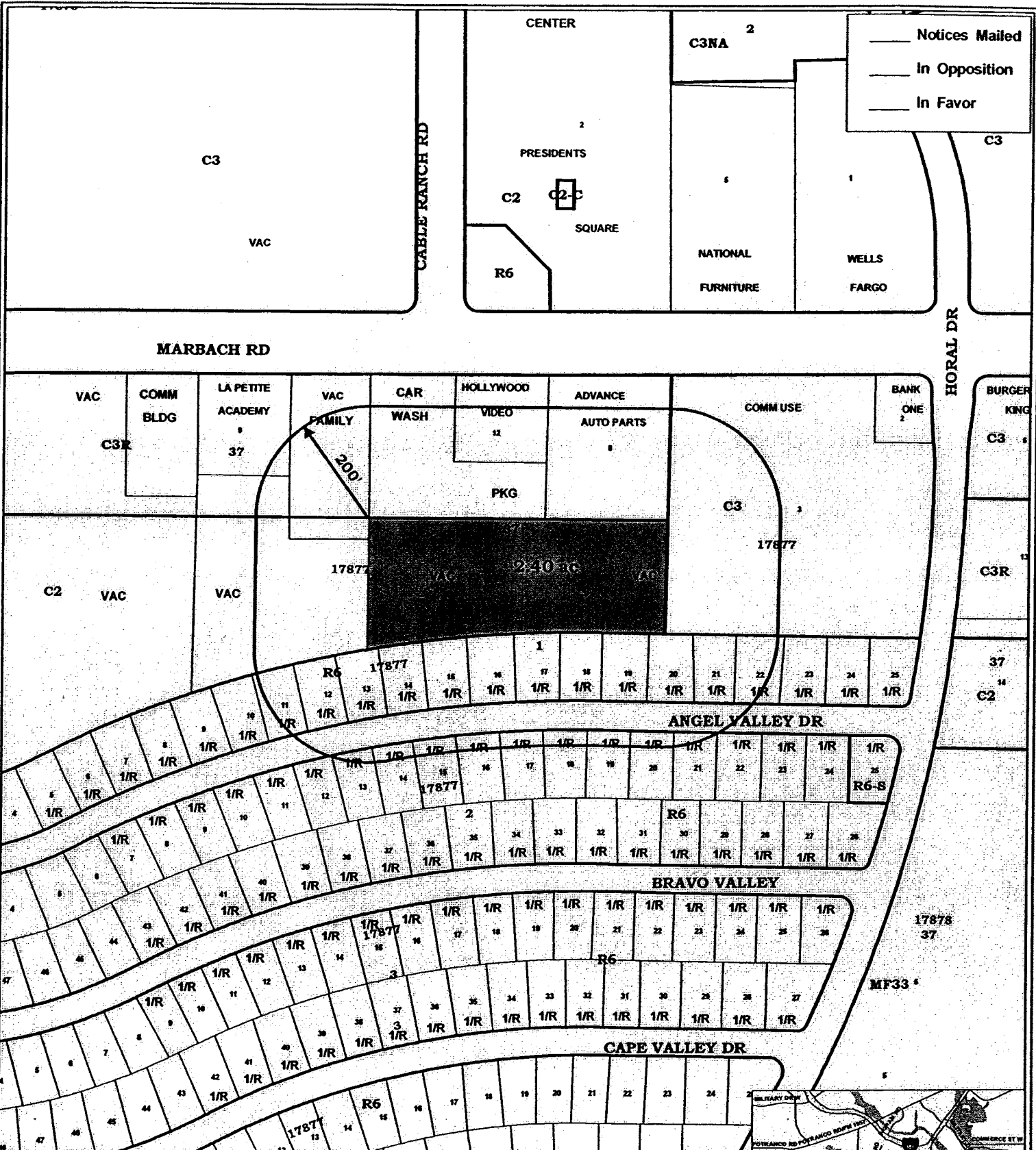


EXHIBIT A

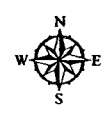
To Ordinance No. \_\_\_\_\_  
Passed and Approved on  
January 12, 2006



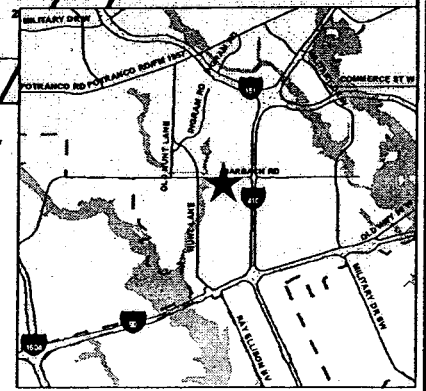
# **ZONING CASE: Z2005-287 CD**

City Council District No. 4  
 Requested Zoning Change  
 From "C-2" To "C-2 NA CD"  
 Date: January 12, 2006  
 Scale: 1" = 200'

Subject Property  
 200' Notification



C:\Dec\_6\_2005



# CASE NO: Z2005287 CD

## Staff and Zoning Commission Recommendation - City Council

---

**Date:** January 12, 2006

**Zoning Commission Meeting Date:** December 20, 2005

**Council District:** 4

**Ferguson Map:** 613 B6 and C6

**Appeal:**

**Applicant:** Owner

Sylvan Lutz Sylvan Lutz

**Zoning Request:** From "C-2" Commercial District to "C-2NA" (CD-Mini-Storage Facility)  
Commercial Non-Alcoholic Sales District with a Conditional Use for a Mini-Storage Facility

2.4 acres out of NCB 17877

**Property Location:** 8714 Marbach Road

Intersection of Marbach Road and Cable Ranch Road

**Proposal:** To allow a mini-storage facility

**Neighborhood Association:** Rainbow Hills Neighborhood Association

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required

### Staff Recommendation:

Approval

The proposed zoning and use will serve as an appropriate transition between the more intense commercial uses along Marbach Road and the single-family subdivision to the south. The proposed use itself is compatible with the existing commercial uses to the north and east and will likely be compatible with any future uses on the undeveloped parcel zoned "C-2" to the west.

The property currently has split zoning, "C-3R" to the north and "C-2" zoning to the south. The north portion of the property has an improved parking area and a car wash, and it consists of 1.27 acres. The south portion, consisting of 2.40 acres, is currently undeveloped. The current zoning districts were applied to the subject property in 1988, and this property is among many others in the vicinity that have been created since. The applicants are requesting a change in zoning to allow a miniwarehouse facility. The facility will have about 9 banks of storage units of various sizes and, as is common with this type of use, perimeter fencing for security purposes and directional lighting will be installed.

There is an unimproved 20 foot drainage easement, platted within the Lackland City Subdivision, that provides a separation between the subject property and the residences to the south. It appears that the southerly 10 feet of the easment has been fenced in with the adjacent residences and the northerly 10 feet is open and visible from the subject property. Because of the drainage easement, the solid fence along the rear of the subdivision to the south, and the additional screening requirements identified in the Unified

# CASE NO: Z2005287 CD

## Staff and Zoning Commission Recommendation - City Council

---

Development Code for miniwarehouse facilities, the applicant should not be required to install the Type "C" buffer normally required for uses that require a "C-3" zoning district.

### Zoning Commission Recommendation:

Approval

CASE MANAGER : Matthew Taylor 207-5876

### VOTE

FOR	8
AGAINST	0
ABSTAIN	0
RECUSAL	0

**Z2005287 CD**

**ZONING CASE NO. Z2005287 CD** – December 20, 2005

Applicant: Sylvan Lutz.

Zoning Request: "C-2" Commercial District to "C-2NA" (CD-Mini-Storage Facility)  
Commercial Non-Alcoholic Sales District with a Conditional Use for a  
Mini-Storage Facility.

Dwight Lutz, 1062 Ferdinand Dr., representing the applicant, stated that they are requesting the rezoning for a mini-storage facility. He further stated that they have met with the neighborhood association and they indicated at that time that they did not have a problem with the proposed use. He stated that they will be providing a solid screen fence at the rear of the property and there will be additional lighting on the property.

Staff stated there were 42 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor and there was no response from the Rainbow Hills Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner Rodriguez for approval of the staff recommendation.

1. Property is located on 2.4 acres out of NCB 17877 at 8714 Marbach Road.
2. There were 42 notices mailed, 1 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES:** Martinez, Robbins, Rodriguez, Sherrill, Avila, Kissling, McAden, Gray

**NAYS:** None

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.